IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND SEVEN

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION No. 18500 of 2001

Between:
Palukuri Sreerama Murthy

….. PETITIONER

AND
The Station House Officer, Anakapalle Town
Police Station, Anakapalle and another

.....RESPONDENTS

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.18500 of 2001

ORDER:

This writ petition is filed by the petitioner, aggrieved by the inaction of the respondents in taking cognizance of the complaint dated 06.05.2001 sent by registered post for the alleged offences under Sec.380, 447, and 448 r/w.Sec.34 of IPC against the persons mentioned in the complaint.

It is stated that the petitioner was running a Kirana stores in the name and style of Sri Mahalaxmi Kirana Stores, situated to the east of Madugula Road, Anakapalle, belongs to one Chalapathirao. According to the petitioner, he took the said shop on lease from one Dasari Trinadha Appala Raju, lessee of Mantri Venkata Laxmi on a monthly rent of Rs.800/-. He stocked goods worth Rs.1,20,000/- in the said kirana shop on 06.05.2001. But, however, the said Mantri Venkata Laxmi and her daughter Mantri Sandhya, Indraganti Suryanarayana and 5 others broke open the locks and took away the goods worth Rs.1,20,000/-. The petitioner and several others witnessed the incident. The petitioner went to the 1st respondent and lodged a complaint at around 6 a.m. on 06.05.2001. As the 1st respondent refused to receive the complaint and register the case, therefore, the petitioner sent the report by registered post on 06.05.2001 after noon. Even thereafter, as no action has been taken, and hence, the present writ petition is filed.

A counter is filed on behalf of the respondents by the Sub-Inspector of police, Anakapalli Town Police Station, Visakhapatnam

District. In the counter, it is stated that Mantri Venkata Laxmi is the owner of the shop by name Kanaka Mahalaxmi Kirana Stores, situated at Madugula Road, Anakapalli, and the same was given lease to one Dasari Trindha Appala Raju. The said Trinadha Appala Raju closed the shop and left, as he was indebted to a tune of Rs.80 lakhs. As the shop was under hypothecation to the Union Bank, Tumpala, the officers of the bank broke open the shop and took away the entire material, lying there and handed over the keys to one Advocate by name Sri P.S.Kumar instead of the shop owner Smt.Mantri Venkata Laxmi. On 17/18.03.2001 the petitioner, at the instigation of the said Advocate Sri P.S.Kumar, removed the old board and put the banner of Mahalxmi Kirana Stores and sent a money order for Rs.800/- to Smt.Mantri Venkata Laxmi, as if to establish his lease relationship, which was refused. Thereafter, it appears that there were disputes.

In the process, in fact, a complaint was made by Smt.Mantri Venkata Laxmi in Cr.No.60/2001, which was registered under Sec.354 and 506 r/w.Sec.34 IPC against the petitioners and 5 others, and a charge sheet has already been filed before the A.J.F.C.M, Anakapalli and the same is pending. Therefore, it is stated that the present complaint and the writ petition are filed as counterblast to the cases registered against the petitioner.

At the time of hearing, the learned Government Pleader also stated that the petitioner has got an effective remedy of filing a private complaint, if no case has been registered, basing on the complaint sent by the petitioner. But, the petitioner, without availing the said remedy, approached this Court with the present writ petition, and hence, no relief could be granted in the present writ petition, exercising jurisdiction under Article-226 of the Constitution of India.

After hearing both sides and also in fact, taking into account the facts that are stated in the affidavit with reference to the alleged storing

of the stocks and allegations with reference to date and time of the alleged theft, I am not inclined to issue any directions to the respondents. In any case, as the petitioner has got effective remedy of making a private complaint before the concerned Court, having jurisdiction, he cannot invoke the jurisdiction of this Court under Article-226 of the Constitution of India, and hence, the writ petition is liable to be dismissed.

The Writ Petition is, accordingly, dismissed. No order as to costs.

S.ANANDA REDDY,J

Dated: 04.07.2007
Dsr